

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENNIS SPEERLY, *et al.*,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

Civil Action No. 2:19-cv-11044

Hon. David M. Lawson
Magistrate Judge David R. Grand

JOINT STIPULATION TO SEAL PAGES OF ECF NO. 221-1.

Plaintiffs and General Motors LLC (“GM”), by and through their respective counsel, have met, conferred, and stipulate as follows:

1. GM seeks to seal three pages of Exhibit 11 to Plaintiffs’ Motion for Class Certification (ECF No. 221-1, GM000874558–60). These pages contain highly confidential trade secret information regarding a GM product that is not yet on the market, including volume projections through 2029 that could be used by competitors to gain a market advantage over GM. A trade secret is information that (a) derives economic value from not being known or readily ascertainable by other people who can obtain value from its disclosure and use, and (b) is subject to

reasonable efforts to maintain its secrecy. MCL 445.1902(d); *In re FCA US LLC Monostable Elec Gearshift Litig*, 377 F. Supp. 3d 779, 786 (E.D. Mich. 2019). GM has an overriding interest in the continued preservation and protection of these materials because, if they are not sealed, highly sensitive, commercially confidential information will be severely compromised. *See Kondash v. Kia Motors Am., Inc.*, No. 1:15-CV-506, 2018 WL 770418, at *3 (S.D. Ohio Feb. 7, 2018). This information was produced in discovery as “confidential” consistent with the parties’ protective order. In the normal course of business, GM does not publicly disclose this information.

2. Plaintiffs do not cite to, or specifically reference, these pages of Exhibit 11 in their Motion for Class Certification. Accordingly, the public’s interest in accessing this information is outweighed by GM’s interest in maintaining these pages under seal.

3. On February 7, 2022, GM moved to seal Exhibit 11, as well as a handful of other confidential GM documents and employee deposition testimony included as exhibits to Plaintiffs’ Motion for Class Certification. *See* ECF Nos. 220, 221, and 237). This motion was denied as to all materials on August 10, 2022, for failure to meet the procedures and standards provided in Local Rule 5.3. ECF No. 271.

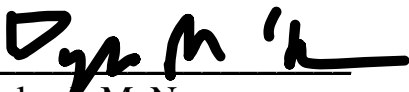
4. On August 18, 2022, the Court heard arguments on Plaintiffs’ Motion

for Class Certification. At the hearing Counsel for GM raised the issue that GM sought reconsideration of the Court's order denying GM's Motion to Seal on a very narrow set of documents. The Court indicated it would permit a stipulation to seal limited information.

5. Counsel for Plaintiffs and GM conferred and stipulated to the sealing of three pages: ECF No. 221-1, GM000874558–60. The document containing these pages currently remains sealed on the docket. ECF No. 221.

ACCORDINGLY, the Parties request that the Court issue an Order granting GM's limited request to seal pages ECF No. 221-1, GM000874558–60.

Dated: August 26, 2022

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